

Congress of the United States

Washington, DC 20515

September 14, 2022

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Secretary Cardona:

Committees on Oversight and Reform and Education and Labor Republicans are investigating the use of COVID-19 relief dollars appropriated for virus mitigation and the safe reopening of schools. Based on recent reports, the Department of Education is allowing Coronavirus Aid, Relief, and Economic Security (CARES) Act and related COVID relief funds to pay for racially biased and other progressive leftist programs. Specifically, Congress created the Elementary and Secondary School Emergency Relief (ESSER) fund to enable schools to safely reopen and address learning loss caused by the COVID-19 pandemic. Those taxpayer dollars, however, are being used to indoctrinate children in core tenets of leftist ideology.¹ To better understand how the Department of Education has allowed states to spend COVID-19 relief funds, we insist that you provide all relevant documents and information.

The American Rescue Plan (ARP)—a Democrat spending bill—provided more than \$120 billion in Elementary and Secondary School Emergency Relief (ESSER) funds to enable schools to safely reopen and address learning loss caused by the COVID-19 pandemic. With regard to the funds in ARP, Senator Warnock of Georgia said, “This is one moment in which it’s very clear that public policy is quite literally a matter of life and death ... more than \$4 billion to the state of Georgia’s K-12 schools to ensure students, teachers, and staff stay safe and healthy, and to address learning loss.”² Now it is being reported that those “life and death” funds are being used to push left leaning ideologies in public schools rather than to fix the significant academic gaps caused by COVID school closures.³

To recap, Congress set aside \$13.2 billion in the CARES Act and \$54.3 billion in the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act of 2021 for the ESSER Fund.⁴ Congress directed the Department of Education to award these funds to states for the purpose of “providing local educational agencies ... with emergency relief funds to address the impact that COVID-19 has had, and continues to have, on elementary and secondary schools

¹ Jessica Chasmar, *COVID-19 relief funds to push CRT in schools*, FOX NEWS, (Apr. 28, 2022). See also Adam Andrzejewski, *Blue States Spent Covid Funds on Controversial Race Teachings*, REAL CLEAR POLICY, (Jun. 1, 2022).

² *Id.*

³ *Id.*

⁴ *Elementary and Secondary School Emergency Relief Fund*, U.S. DEPT. OF ED., (Jun. 3, 2022).

across the Nation.”⁵ Under ARP, Democrats provided yet another \$122 billion to “help safely reopen and sustain the same operation of schools and address the impact of the coronavirus pandemic on the Nation’s students.”⁶

The learning loss caused by the COVID-19 pandemic has been a global disaster.⁷ During the 2020-2021 school year, passing math rates declined by 14.2 percent on average overall, but the decline was 10.1 percent smaller for districts who were doing more in-person instruction.⁸ Low-income students faced the highest number of weeks of remote learning, which led to higher learning loss overall, expanding the education gap between wealthy and low-income students.⁹ Overwhelmingly, school shutdowns occurred in states and localities led by Democrats who chose to keep schools closed much longer than was necessary, often at the behest of teachers unions.

Instead of using ESSER funds to address these dramatic learning losses, some states are spending taxpayer dollars to push progressive left causes. For example, California used ESSER funds for training in “environmental literacy,” “ethnic studies,” and “LGBTQ+ cultural competency.”¹⁰ New York used part of the \$9 billion it received to provide staff development on “culturally responsive sustaining instruction” and “privilege” and to recognize “equity warriors.”¹¹ Illinois received \$5.1 billion, which it partially used to emphasize “equity and diversity” and make “equity driven investments.”¹² At least ten other state plans included proposals to use the ESSER funds to implement racially biased curriculum and programs based on Critical Race Theory.¹³

To better understand the approval process for the ESSER grants, or awards for similar uses, please provide the following information by September 28, 2022:

1. All documents and communications related to the approval of the State of California’s Plan for ARP ESSER funds.
2. All documents and communications related to the approval of the State of New York’s Plan for ARP ESSER funds.
3. All documents and communications related to the approval of the State of Illinois’ Plan for ARP ESSER funds.
4. All documents and communications related to the approval of the State of Michigan’s Plan for ARP ESSER funds.

⁵ *Id.*

⁶ *Id.*

⁷ *Covid learning loss has been a global disaster*, *The Economist*, (Jul. 7 2022).

⁸ Clare Halloran, Rebecca Jack, James Okun & Emily Oster, *Pandemic Schooling Mode and Student Test Scores: Evidence from US States*, NAT’L BUREAU OF ECON. RESEARCH (2021)

⁹ David Leonhardt, ‘*Not Good for Learning*’, *THE N.Y. TIMES* (May 5, 2022).

¹⁰ *California State Plan for American Rescue Plan Elementary and Secondary School Emergency Relief Fund*, U.S. DEPT. OF ED., (Apr. 21, 2021).

¹¹ *New York State Education Department American Rescue Plan (ARP) Elementary and Secondary School Emergency Relief (ESSER)*, NEW YORK STATE ED. DEPT., (Jul. 13, 2021).

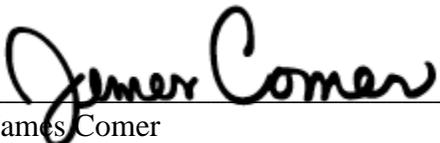
¹² *Illinois State Plan for the American Rescue Plan Elementary and Secondary Emergency Relief Fund*, U.S. DEPT. OF ED., (Apr. 21, 2021).

¹³ *Supra* n. 1.

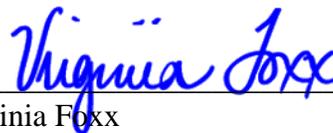
5. All documents and communications related to the approval of the State of New Jersey's Plan for ARP ESSER funds.
6. All documents and communications related to the use of ESSER funds to facilitate the training or teaching on subjects related to Critical Race Theory, diversity, equity, and inclusion, and/or other racially biased training and/or programs.

To ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X and the Committee on Education and Labor has jurisdiction over matters of education under such rule. Thank you in advance for your cooperation with this inquiry.

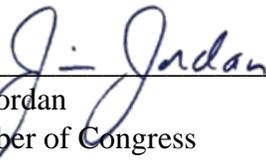
Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Virginia Foxx
Ranking Member
Committee on Education and Labor



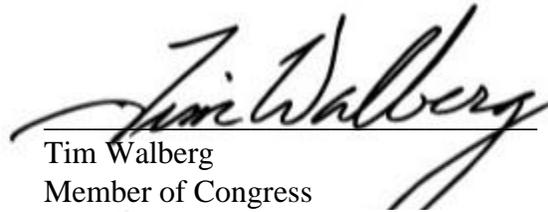
Jim Jordan
Member of Congress



Glenn "GT" Thompson
Member of Congress



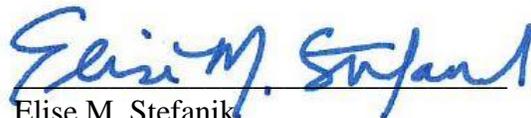
Jody Hice
Member of Congress



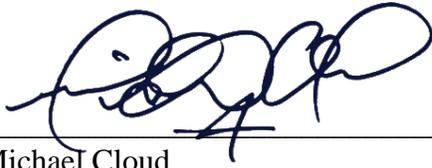
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Member of Congress



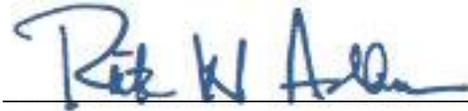
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Ralph Norman
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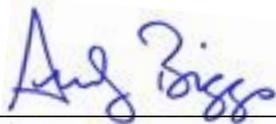
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Fred Keller
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Bob Good
Member of Congress



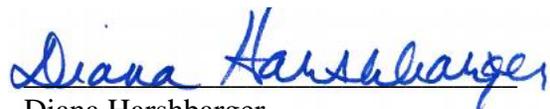
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Lisa McClain
Member of Congress



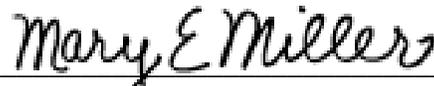
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Member of Congress



Diana Harshbarger
Member of Congress



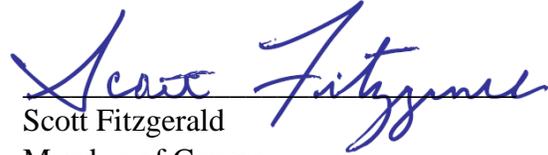
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Member of Congress



Mary E. Miller
Member of Congress



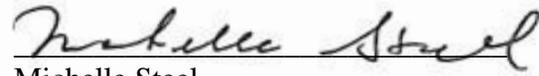
C. Scott Franklin
Member of Congress



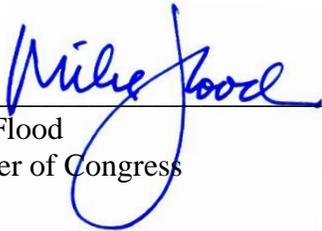
Scott Fitzgerald
Member of Congress



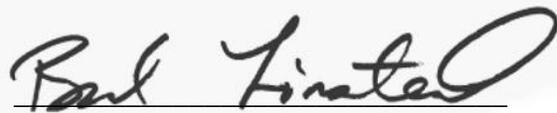
Pat Fallon
Member of Congress



Michelle Steel
Member of Congress



Mike Flood
Member of Congress



Brad Finstad
Member of Congress

cc: The Honorable Carolyn B. Maloney, Chairman
House Committee on Oversight and Reform

The Honorable Robert C. Scott, Chairman
Committee on Education and Labor